

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

DATE: September 14, 2005

CALLED TO ORDER: 5:15 p.m.

ADJOURNED: 7:05 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chairwoman
Greg Bowes
Vernon Brown
Sherron Franklin
Lynn McWhirter
William Oliver
Scott Schneider

Absent Members

Lincoln Plowman

BUDGET HEARING

Review and Analysis

PROPOSAL NO. 409, 2005 - adopts the annual budget for the Police Special Service District for 2006
"Do Pass" Vote: 5-2

PROPOSAL NO. 410, 2005 - adopts the annual budget for the Fire Special Service District for 2006
"Do Pass" Vote: 4-2

PROPOSAL NO. 412, 2005 - adopts the annual budget for the Metropolitan Emergency Communications Agency for 2006
"Do Pass as Amended" Vote: 5-2

PROPOSAL NO. 415, 2005 - adopts the annual budget for Indianapolis and Marion County for 2006 (Public Safety portion only)
"Do Pass as Amended" Vote: 5-2

PROPOSAL NO. 443, 2005 - elects to fund MECA in 2006 with County Option Income Tax (COIT) revenues
"Do Pass" Vote: 5-1

PROPOSAL NO. 444, 2005 - appoints Raymond Pierce to the Indianapolis-Marion County Forensic Services Board
"Postponed to October 5, 2005" Vote: 7-0

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PROPOSAL NO. 445, 2005 - increases the amount of fines and late charges for parking tickets and other violations paid through the Ordinance Violations Bureau
“Do Pass”
Vote: 6-1

PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, September 14, 2005. Chairwoman Mary Moriarty Adams called the meeting to order at 5:15 p.m. with the following members present: Greg Bowes, Vernon Brown, Sherron Franklin, Lynn McWhirter, William Oliver, and Scott Schneider. Absent was Lincoln Plowman. Also present was Bart Brown, the Council's Chief Financial Officer.

Chair Moriarty Adams apologized for the late start of the meeting due to a prior meeting and asked for the consent of the committee to hear Proposal No. 444,2005 first on the agenda. There were no objections.

PROPOSAL NO. 444, 2005 - appoints Raymond Pierce to the Indianapolis-Marion County Forensic Services Board

Councillor McWhirter moved, seconded by Councillor Brown, to "Postpone" Proposal No. 444, 2005 to the October 5, 2005 Public Safety meeting. The motion carried by a vote of 7-0.

PROPOSAL NO. 409, 2005 - adopts the annual budget for the Police Special Service District for 2006

Robert Clifford, City Controller, stated that he has no proposed amendments for Proposal No. 409, 2005.

Councillor Schneider stated that last week the Governor announced that there was some additional revenue available for each county across the State of Indiana from additional income tax revenue. The total amount was \$33 million. He stated that these funds should go toward maintaining the current staffing levels of the Indianapolis Police Department (IPD) and the Indianapolis Fire Department (IFD). Councillor Schneider stated that his amendment would reinstate the staffing levels back to the current staffing levels so that there will not be any reductions come January 2006.

Councillor Schneider moved, seconded by Councillor McWhirter, to "Amend " Proposal No. 409, 2005. The motion failed by a vote of 3-4 with Chairwoman Moriarty Adams, Councillor Bowes, and Councillor Brown, casting the negative votes.

{Clerks note: The amendment is attached with the original set of minutes as exhibit A.}

Councillor Schneider called Point of Order and asked if there would be any discussion on the amendment.

Chairwoman Moriarty Adams stated that this vote is on whether or not to discuss the amendment.

Councillor Schneider stated that he cannot support this proposal when there is funding at hand and the Mayor is still going to layoff police officers.

Councillor Bowes stated that he does not think it is fair to say that there is extra funding and it should be spent. The City is still in a situation where the City and County need to start saving funds.

Councillor Schneider stated that it is the choice of the administration on whether they wanted to borrow against future earnings of tax revenue, and the administration has made it's choice clear.

Mr. Brown stated that the Council cannot pass an amendment that would increase the budget over the amount that has been advertised. He said that it is possible that this funding can be moved into the fund balance and then looked at in January 2006. Mr. Clifford agreed, and stated that the City and the County have about \$30.2 million in new revenue that did not have last year. Of that \$30.2 million, \$12.3 million is being allocated to recommendations from the Criminal Justice Planning Council (CJPC) and \$12.5 million is being used to bring funding back up for County agencies to the level of where they were prior to 2004. Mr. Clifford stated that the extra funding that Councillor Schneider is speaking of is already spent. Councillor Schneider stated that if this Council and staff were interested in finding a way to use this fund they would find a way to do it. He said that it is unfortunate that there is money to fully staff public safety and it is not being used.

Councillor Brown stated that this motion to amend is out of order if it is illegal.

Councillor Bowes moved, seconded by Councillor Oliver, to send Proposal No. 409, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-2 with Councillor Schneider and Councillor McWhirter casting the negative votes.

PROPOSAL NO. 410, 2005 - adopts the annual budget for the Fire Special Service District for 2006

Councillor Schneider moved, seconded by Councillor McWhirter, to "Amend " Proposal No. 410, 2005. as per the attached amendment. The Chairwoman ruled the amendment out of order.

Councillor Bowes call for a Point of order. He stated that an amendment to a budget that exceeds the advertised amount the public has been notified of is illegal.

Councillor McWhirter asked if there was an attorney available that could make a ruling.

Kobi Wright, Office of Corporation Counsel, read Indiana Code 6-1.1-18-1, which states as follows: *When fixing a budget, tax rate and tax levy under the Indiana Code the officers of a political subdivision may not fix a budget or tax levy which exceeds the amount published by the political subdivision. The portion of which exceeds the political amount is void.* He stated that an amendment cannot be made which exceeds the amount that has been published by the Controller's office or it will be voided.

Councillor McWhirter asked how much money is allocated to the police and fire pension bonds. Mr. Clifford stated that \$5.4 million is allocated. Councillor McWhirter asked what the payment is that is owed for 2006. Mr. Clifford said that there is \$2.7 million to the police and \$2 million for fire pension bonds.

Councillor Bowes moved, seconded by Councillor Brown, to send Proposal No. 410, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-2 with Councillor Schneider and Councillor McWhirter casting the negative votes.

Councillor McWhirter stated that she does not have any issues with Proposal Nos. 409 and 410, 2005, but said she believes that there are some avenues to fund these additional Firefighter and Police officers to maintain the standard of public safety in Indianapolis.

Chairwoman Moriarty Adams received consent to hear Proposal 443, 2005 next.

PROPOSAL NO. 443, 2005 - elects to fund MECA in 2006 with County Option Income Tax (COIT) revenues

Councillor McWhirter stated that the Indiana Code states, "to make such an election the County fiscal body must adopt an ordinance before September 1st, of the immediately proceeding factor year. The County fiscal body must specify in any ordinance the amount of the certified distribution that is to be used to fund the operation. She said that the Council has not met the deadline, which means that there are some issues that need to be discussed. Mr. Brown agreed and stated that the State failed to certify, which means that no one met the deadlines. Mr. Brown stated that the State must meet a deadline in order for cities and towns to meet their deadline. Mr. Wright stated that he has not looked at this issue before but he is aware of the fact that there is, by statute a designated time period in which the State has to certify the COIT distributions to the City and the County. He said the City and the County could not act because of a prior inaction of another body that had to determine what the City and County could do.

Mr. Clifford stated that this proposal is different from past years. Historically, the City-County Council has allocated \$2,750,000 for operations, and in 2006 the cost of dispatch for police and fire will be moved to MECA. Mr. Clifford stated that there is a prescribed formula for allocating COIT, and the amount given to Metropolitan Emergency Communication Agencies and homestead credits come off the top. He said that doing this provides a slight increase in the amount of COIT to be allocated to the City-County budget.

Councillor McWhirter stated that a special taxing district only has the limited authority of acquisition, operation, and maintenance of facilities, but no authority to operate dispatch systems. She asked where the dispatch systems fall under. Mr. Brown stated that this will have to be researched. Mr. Clifford stated that the process was reviewed with the Department of Local Government Finance and they agreed with the process.

Councillor McWhirter stated that she has no opposition to this funding; she just wants to wait for an explanation, and for that reason she will vote against Proposal No. 443, 2005.

Councillor Bowes moved, seconded by Councillor Brown, to send Proposal No. 443, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 5-1 with Councillor McWhirter casting the negative vote.

PROPOSAL NO. 412, 2005 - adopts the annual budget for the Metropolitan Emergency Communications Agency for 2006

{Clerks note: Jeff Seidenstein, Budget Manager for the Controller's Office explained the amendment, which is attached with the original set of minutes as Exhibit B.}

Councillor Bowes moved, seconded by Councillor Brown, to "Amend" Proposal No. 412, 2005. as per the attached amendment. The motion carried by a vote of 6-0.

Mr. Seidenstein stated that there is a decrease in MECA's Character 01 appropriations by \$192,763 and the corresponding decrease in the 16-line statement and the net effect in the fund balance is increased by \$192,763. The full time equivalents (FTE) that are approved for MECA next year are 22, and this information was omitted from the original ordinance. He said the last part of the amendment is a language change on section 8 (c), which reads, "The salary range of the following appointed agency head is fixed effective upon passage of this ordinance."

Councillor Schneider asked if MECA FTE's were originally advertised as zero. Mr. Seidenstein stated that they do not advertise FTE's. He said that when the budget was introduced the Controller's office had not had the chance to meet with MECA and therefore the FTE's were not finalized.

Councillor Bowes moved, seconded by Councillor Brown, to send Proposal No. 412, 2005 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 5-2 with Councillor Schneider and Councillor McWhirter casting the negative votes.

PROPOSAL NO. 415, 2005 - adopts the annual budget for Indianapolis and Marion County for 2006 (Public Safety portion only)

Councillor Bowes moved, seconded by Councillor Brown, to "Amend" Proposal No. 415, 2005. as per the attached amendment. The motion carried by a vote of 6-0.

Mr. Seidenstein gave a summary of amendments that are being proposed by the Controller's Office (Exhibit C, attached) for Proposal No. 415, 2005. He said these changes reflect both the City and County agencies. Mr. Seidenstein stated that this amendment would include deleting the section on page three of the amendment titled Community Corrections Pre-Trail Conditional Release Fund, and also page eight, line 10, will have to be restored back to \$277,578.

Mr. Clifford stated that out of a budget in the amount of \$210,930,000, there will be an estimated \$565,000 at the end of 2006.

Councillor Bowes moved, seconded by Councillor Brown, to "Amend" Proposal No. 415, 2005. as per the attached amendment. The motion carried by a vote of 6-0.

Councillor Bowes moved, seconded by Councillor Brown, to send Proposal No. 415, 2005 to the full Council with a "Do Pass as Amended" recommendation. The motion carried by a vote of 5-2 with Councillor Schneider and Councillor McWhirter casting the negative votes.

PROPOSAL NO. 445, 2005 - increases the amount of fines and late charges for parking tickets and other violations paid through the Ordinance Violations Bureau

Kostas Poulakidas, Corporation Counsel, stated that this would increase parking tickets from \$15 to \$20 and would also impose a late fee. The late fee would be the lesser amount of either \$25 or twice the amount of the original fine. Mr. Poulakidas stated that these increases will generate approximately \$500,000. He said that Sec. 103-55 eliminates some redundancies in requirements that should be allowed on tickets that are issued by hand, verses tickets that are issued electronically.

Chairwoman Moriarty Adams asked what the collection rate is. Mr. Poulakidas stated that the collection rate is at 50 percent. He added that if these fines are not paid they can be increased to \$2,500 and it will go to court.

Councillor Bowes stated that he is in favor of this proposal. He stated that if you go to other big cities you will pay a lot more for parking tickets, and the parking meters are very cheap for 2-hour parking.

Councillor Bowes moved, seconded by Councillor Brown, to send Proposal No. 445, 2005 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-1 with Councillor Schneider casting the negative vote.

CONCLUSION

With no further business pending, and upon motion duly made, the Public Safety and Criminal Justice Committee of the City-County Council was adjourned at 7:05 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chairwoman
Public Safety and Criminal Justice Committee

MMA/rjp